

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: CHU, Chung K.; KOTRA, Lakshmi; MANOUILOV, Konstantine
K.; DU, Jinfa and SCHINAZI, Raymond

APPLICATION NO.: 09/849,870

FILED: May 4, 2001

FOR: THERAPEUTIC AZIDE COMPOUNDS

ATTY DOCKET NO.: G25-063 (G25-051)

**RECEIVED
CENTRAL FAX CENTER**

FEB 09 2001

Examiner Patrick T. Lewis, Group Art Unit 1623
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**TERMINAL DISCLAIMER TO OBIATE A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENT**

S I R:

The owners, The University of Georgia Research Foundation, Inc. and Emory University, each of undivided interest in the instant application hereby disclaim, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,271,212 B1 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owners do not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- is Reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

G25-063 Terminal Disclaimer

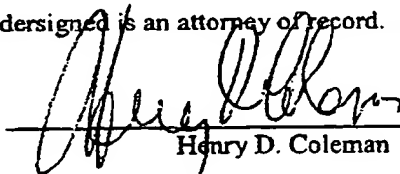
page 1 of 2

For this submission on behalf of a business/organization, the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the likes made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Please charge deposit account no. 04-0838 for the statutory disclaimer fee of \$65.00 for a small entity [under 37 CFR 1.20(d)].

The undersigned is an attorney of record. Reg. No. 32,559


Henry D. Coleman

February 9, 2005

Phone: 203-366-3560

FAX: 203-335-6899